

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Transport Department

Notification

6/3/94-TPT

The following Notification issued by the Ministry of Surface Transport, New Delhi, is hereby published for general information of the public.

Maria A. Rodrigues, Under Secretary (Transport).

Panaji, 20th June, 1994.

GOVERNMENT OF INDIA

MINISTRY OF SURFACE TRANSPORT

(Transport Wing)

New Delhi, the May, 12, 1994.

Notification

GSR No. 452(E) The following draft of the Central Motor Vehicles (Amendment) Rules, 1994, which the Central Government proposes to make in exercise of the powers conferred by sub-section 3 of section 56 of the Motor Vehicles Act, 1988 (59 of 1988) is hereby published as required by sub-section (1) of section 212 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of 45 days from the date on which copies of the Gazette of India containing this notification are made available to the public.

Any objection or suggestion which may be received from any person with respect to the said draft rules before the expiry of the period so specified above will be taken into consideration by the Central Government.

Objections or suggestions in this respect may be forwarded to the Joint Secretary (Transport), Ministry of Surface Transport (Transport Wing), Transport Bhawan, Parliament Street, New Delhi - 110 001.

DRAFT RULES

1. (1) These rules may be called the Central Motor Vehicles (Amendment) Rules, 1994.

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. In rule 62 of the Central Motor Vehicles Rules, 1989, after clause (b) the following clause shall be inserted, namely:—

“(c) renewal of certificate of fitness in respect of vehicles covered under rule 82 of these rules

— three years”

Sd/-

(C. S. KHAIRWAL)

Joint Secretary to the Govt. of India
File No. RT-11017/19/93-MVL

Law (Legal and Legislative Affairs) Department

Notification

12-1-94/LA

The Census (Amendment) Act, 1993 (Central Act No. 11 of 1994), which has been passed by Parliament and assented to by the President of India on 14th January, 1994 and published in the Gazette of India, Extraordinary Part II Section I dated 14-1-94, is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 17th June, 1994.

THE CENSUS (AMENDMENT) ACT, 1993

AN

ACT

further to amend the Census Act, 1948.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Census (Amendment) Act, 1993.

2. *Substitution of new sections for section 2.* — For section 2 of the Census Act, 1948 (hereinafter referred to as the principal Act), the following sections shall be substituted, namely: —

'2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

2A. *Rule of construction respecting enactments not extending to Jammu and Kashmir.* — Any reference in this Act to the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, shall, in relation to the State of Jammu and Kashmir, be construed as a reference to the corresponding enactment in force in that State.

45 of 1860.
1 of 1872.
2 of 1974.

3. *Amendment of section 4.* — In section 4 of the principal Act, in sub-section (2), after the word "census-officers", the words "with such designations as that Government may deem necessary" shall be inserted.

4. *Insertion of new section 4A.* — After section 4 of the principal Act, the following section shall be inserted, namely: —

"4A. *Staff of every local authority to be made available for taking census.* — Every local authority in a State shall, when so directed by a written order by the Central Government or by an authority appointed by that Government in this behalf, make available to any Director of Census Operations such staff as may be necessary for the performance of any duties in connection with the taking of census."

5. *Insertion of new sections 7A to 7H.* — After section 7 of the principal Act, the following sections shall be inserted, namely: —

'7A. *Requisitioning premises, vehicles, etc., for taking of a census.* — (1) If it appears to the Central Government that, in connection with taking of a census, —

(a) any premises are needed or are likely to be needed, or

(b) any vehicle, vessel or animal is needed or is likely to be needed,

that Government may by order in writing requisition such premises, or vehicle, vessel or animal, as the case may be, and make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

(2) The requisition shall be effected by an order in writing addressed to the person deemed

by the Central Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

7B. *Payment of compensation.* — (1) Whenever in pursuance of section 7A the Central Government requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely: —

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Central Government to an arbitrator appointed in this behalf by that Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation. — In this sub-section the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 7A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 7A the Central Government requisitions any vehicle, vessel, or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Central Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire-purchase agreement in the

possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Central Government in this behalf may decide.

7C. Power to obtain information.—The Central Government may, with a view to requisitioning any property under section 7A or determining the compensation payable under section 7B, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

7D. Powers of entry into and inspection of premises, etc.—Any person authorised in this behalf by the Central Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 7A should be made in relation to such premises, vehicle, vessel or animal, or with a view to securing compliance with any order made under that section.

7E. Eviction from requisitioned premises.—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 7A may be summarily evicted from the premises by any officer empowered by the Central Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

7F. Release of premises from requisition.—(1) When any premises requisitioned under section 7A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the Central Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the Central Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 7A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the Central Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Central Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

7G. Delegation of functions of the Central Government with regard to requisitioning.—The Central Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on that Government by any of the provisions of sections 7A to 7F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be specified.

7H. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 7A or section 7C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

6. Amendment of section 8.—In section 8 of the principal Act, in sub-section (1), for the words "State Government", the words "Central Government" shall be substituted.

7. Amendment of section 10.—In section 10 of the principal Act, in sub-section (1), for the words "State Government" at both the places where they occur, the words "Census Commissioner" shall be substituted.

8. Amendment of section 11.—In section 11 of the principal Act, in sub-section (1),—

(i) for part (a), the following parts shall be substituted, namely:—

"(a) any census-officer or any person lawfully required to give assistance towards the taking of census who refuses to perform any duty imposed upon him by this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty, or

(aa) any census-officer or any person lawfully required to give assistance towards the taking of a census who neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or obeying any such order, or";

(ii) after part (c), the following part shall be inserted, namely:—

"(ca) any local authority which fails to comply with an order made under section 4A, or";

(iii) for the brackets, letters and words "(b) or (c)" shall also be punishable with imprisonment which may extend to six months", the brackets, letters and words "(a), (b) or (c)" shall also be

punishable with imprisonment which may extend to three years" shall be substituted.

9. *Substitution of new section for section 12.* — For section 12 of the principal Act, the following section shall be substituted, namely: —

"12. *Sanction required for prosecutions.* — Without prejudice to the provisions of section 197 of the Code of Criminal Procedure, 1973, no prosecution under this Act shall be instituted except with the previous sanction, —

2 of 1974.

(a) in the case of a person who is employed or was at the time of commission of the alleged offence employed —

(i) in a company, as defined in section 3 of the Companies Act, 1956, in which not less than fifty-one per cent of the paid-up capital is held by the Central Government or any company which is a subsidiary thereof within the meaning of that Act, or

1 of 1956.

(ii) by a corporation or a local authority established by or under a Central Act which is owned or controlled by the Central Government,

of the Central Government or of an authority authorised in this behalf by that Government; and

(b) in the case of a person other than referred to in clause (a) of the State Government."

10. *Insertion of new section 13A.* — After section 13 of the principal Act, the following section shall be inserted, namely: —

"13A. *Certain offences to be cognizable and triable summarily.* — (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no police officer or court shall take cognizance of any offence under part (a), (b) or (c) of sub-section (1) of section 11, except upon information received from or on a complaint made by, as the case may be, the Director of Census Operations or any officer authorised by him in this behalf.

2 of 1974.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under part (a), (b), or (c) of sub-section (1) of section 11 may be tried summarily."

2 of 1974.

11. *Amendment of section 14.* — In section 14 of the principal Act, for the words "Presidency Magistrate or a Magistrate of the second class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

12. *Insertion of new sections 15A and 15B.* — After section 15 of the principal Act, the following sections shall be inserted, namely: —

"15A. *Protection of service interests of members of census staff.* — No member of the census

staff shall suffer any disability in service by reason of his being on census duty and the period spent by him on such census duty shall be deemed to be the duty under his lending employer and any duty performed under this Act shall not in any manner affect the right of promotion or other advancement in his original service.

15B. *Protection of action taken in good faith.* —

No suit, prosecution or other legal proceeding shall lie against the Census Commissioner or any Director of Census Operations or any census-officer or any member of the census staff for anything which is in good faith done or intended to be done under this Act or the rules made thereunder."

13. *Amendment of section 17.* — In section 17 of the principal Act, for the opening portion beginning with the words "The Census Commissioner" and ending with the words "authorise in this behalf", the words "Subject to the provisions of section 15, the Census Commissioner or any Director of Census Operations" shall be substituted.

14. *Insertion of new section 17A.* — After section 17 of the principal Act, the following section shall be inserted, namely: —

"17A. *Power to extend the provisions of Act to other operations.* — The Central Government may, by notification in the Official Gazette, extend the provisions of this Act, with such restrictions and modifications as it thinks fit, to pre-tests, pilot studies, census of houses which precede the population count and post enumeration check and evaluation studies or statistical surveys or any other operation as may be deemed necessary for the purpose of census."

15. *Amendment of section 18.* — In section 18 of the principal Act, in sub-section (2), the words "and providing for the manner of service of orders regarding requisitioning of premises, or vehicle; vessel or animal and the time within which the application may be made to it by any interested person aggrieved by the amount of compensation determined under section 7B for referring the matter to an arbitrator" shall be added at the end.

Notification

12-1-94/LA

The Advocates (Amendment) Act, 1993 (Central Act No. 70 of 1993), the President's Emoluments and Pension (Amendment) Act, 1993 (Central Act No. 71 of 1993) and the Supreme Court Judges (Conditions of Services) Amendment Act, 1993 (Central Act No. 73 of 1993) which have been passed by Parliament and assented to by the President of India on 26th December, 1993 and published in the Gazette of India, Extraordinary Part II, Section I, dated 27th December, 1993 are hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 20th June, 1994.

THE ADVOCATES (AMENDMENT) ACT, 1993

AN
ACT

further to amend the Advocates Act, 1961.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Advocates (Amendment) Act, 1993.

2. *Amendment of section 6.*—In section 6 of the Advocates Act, 1961 (hereinafter referred to as the principal Act),—

(i) in sub-section (1),—

(a) after clause (d), the following clause shall be inserted, namely:—

“(dd) to promote the growth of Bar Associations for the purposes of effective implementation of the welfare schemes referred to in clause (a) of sub-section (2) of this section and clause (a) of sub-section (2) of section 7;”;

(b) after clause (g), the following clause shall be inserted, namely:—

“(gg) to visit and inspect Universities in accordance with the directions given under clause (i) of sub-section (1) of section 7;”;

(ii) in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(c) establishing law libraries.”

3. *Amendment of section 7.*—In section 7 of the principal Act,—

(i) in sub-section (1), in clause (i), after the words “inspect Universities”, the words “or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf” shall be added;

(ii) in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(c) establishing law libraries.”

4. *Substitution of new sections for section 8.*—For section 8 of the principal Act, the following sections shall be substituted, namely:—

“8. *Term of office of members of State Bar Council.*—The term of office of an elected members of a State Bar Council (other than an elected member thereof referred to in section 54) shall be five years from the date of publication of the result of his election:

Provided that where a State Bar Council fails to provide for the election of its members before the expiry of the said term, the Bar Council of India may, by order, for reasons to be recorded in writing, extend the said term for a period not exceeding six months.

8A. *Constitution of Special Committee in the absence of election.*—(1) Where a State Bar Council fails to provide for the election of its

members before the expiry of the term of five years or the extended term, as the case may be, referred to in section 8, the Bar Council of India shall, on and from the date immediately following the day of such expiry, constitute a Special Committee consisting of—

(i) the *ex officio* member of the State Bar Council referred to in clause (a) of sub-section (2) of section 3 to be the Chairman:

Provided that where there are more than one *ex officio* members, the senior most amongst them shall be the Chairman; and

(ii) two members to be nominated by the Bar Council of India from amongst advocates on the electoral roll of the State Bar Council,

to discharge the functions of the State Bar Council until the Bar Council is constituted under this Act.

(2) On the constitution of the Special Committee and until the State Bar Council is constituted—

(a) all properties and assets vesting in the State Bar Council shall vest in the Special Committee;

(b) all rights, liabilities and obligations of the State Bar Council, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations of the Special Committee;

(c) all proceedings pending before the State Bar Council in respect of any disciplinary matter or otherwise shall stand transferred to the Special Committee.

(3) The Special Committee constituted under sub-section (1) shall, in accordance with such directions as the Bar Council of India may give to it in this behalf, hold elections to the State Bar Council within a period of six months from the date of its constitution under sub-section (1), and where, for any reason the Special Committee is not in a position to conduct election within the said period of six months, the Bar Council of India may, for reasons to be recorded by it in writing, extend the said period.”

5. *Amendment of section 10A.*—In section 10A of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) The Bar Council of India shall meet at New Delhi or at such other place as it may, for reasons to be recorded in writing, determine.

(2) A State Bar Council shall meet at its headquarters or at such other place as it may, for reasons to be recorded in writing, determine.”

6. *Amendment of section 24.*—In section 24 of the principal Act, in clause (f) of sub-section (1),—

(i) in the opening portion, for the words “two hundred and fifty rupees”, the words “six hundred rupees and to the Bar Council of India, one hundred and fifty rupees by way of a bank draft drawn in favour of that Council” shall be substituted;

(ii) in the proviso, for the words "one hundred and twenty-five rupees", the words "one hundred rupees and to the Bar Council of India, twenty-five rupees" shall be substituted.

7. *Amendment of section 24A.*—In section 24A of the principal Act, in sub-section (1),—

(i) after clause (b), the following clause shall be inserted, namely:—

'(c) if he is dismissed or removed from employment or office under the State on any charge involving moral turpitude.

Explanation.—In this clause, the expression "State" shall have the meaning assigned to it under article 12 of the Constitution;";

(ii) in the proviso, for the word "release", the words "released or dismissal or, as the case may be, removal" shall be substituted.

8. *Omission of section 46.*—Section 46 of the principal Act shall be omitted.

9. *Amendment of section 52.*—In section 52 of the principal Act, in clause (b), for the word "act", the words "act or plead" shall be substituted.

THE PRESIDENT'S EMOLUMENTS AND PENSION (AMENDMENT) ACT, 1993

AN

ACT

further to amend the President's Emoluments and Pension Act, 1951.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the President's Emoluments and Pension (Amendment) Act, 1993.

2. *Amendment of Section 2 of Act 30 of 1951.*—In section 2 of the President's Emoluments and Pension Act, 1951, in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

"(d) to travel any where in India, accompanied by one person, by the highest class by air, rail or steamer."

THE SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1993

AN

ACT

further to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Forty-fourth year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1993.

2. *Amendment of section 23.*—In section 23 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the principal Act),—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of three thousand rupees.";

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Sub-sections (1), (2) and (3) shall be deemed to have come into force on the 26th day of January, 1950 and sub-section (1A) shall be deemed to have come into force on the 9th day of May, 1986 and any rule made under any of the said sub-sections may be made so as to be retrospective to any date not earlier than the commencement of the respective sub-section."

3. *Amendment of section 23D.*—In section 23D of the principal Act, in clause (a), after the word and figures "section 23", the words, brackets, figure and letter "or the allowance paid to him under sub-section (1A) of that section" shall be inserted and shall be deemed to have been inserted with effect from the 9th day of May, 1986.

Government Press

NOTICE

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The revised rates are given herebelow and they are applicable to subscriptions effected from 1-7-1994 onwards.

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